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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,236	09/11/2003	Alain Yves Leveque	AD6571 US CNT 1	5383

23906 7590 12/21/2004

E I DU PONT DE NEMOURS AND COMPANY  
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BARLEY MILL PLAZA 25/1128  
4417 LANCASTER PIKE  
WILMINGTON, DE 19805

EXAMINER

COOLEY, CHARLES E

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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12152004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Charles E. Cooley  
Primary Examiner  
Art Unit: 1723

## OFFICE ACTION

### *Non-responsive Amendment*

1. The amendment filed on 2 NOV 2004 effectively canceling all claims drawn to the invention elected by original presentation and treated on the merits in the office action of 28 MAY 2004 and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining method claims 18-22 are not readable on the elected invention elected by original presentation because the invention elected by original presentation and treated on the merits (claims 14-17 drawn to a screw) and new method claims 18-22 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed (the screw of claims 14-17) can be used to practice another and materially different process such as conveying viscous materials (such as concrete, food products, pastes, slurries, etc.) without heating rather than injection molding or extruding a polymer composition including granules or pellets and heating the composition to a melting temperature.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly presented method claims 18-22 are withdrawn from consideration as being directed to a non-elected invention. Since there exists no other claims drawn to the subject matter originally presented, no claims can be

Art Unit: 1723

examined and the amendment is non-responsive. See 37 CFR 1.142(b) and MPEP § 821.03.

2. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1723

A handwritten signature in black ink, appearing to read "Charles Cooley". The signature is fluid and cursive, with the first name "Charles" written in a larger, more prominent script than the last name "Cooley".

Charles E. Cooley  
Primary Examiner  
Art Unit 1723

15 DEC 2004